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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,243	12/09/2003	Paul J. Fenelon	3288-0011CPB	4876
27572	7590	11/08/2006	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			STRIMBU, GREGORY J	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

3634

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,243

Applicant(s)

FENELON, PAUL J.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

In light of the cancellation of claims 9-19 in the response of February 27, 2006, the restriction requirement is moot.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because recitations such as "provides for" on line 1 is confusing since it is unclear how the rack and pinion system provides for the window lift mechanism. It appears that the applicant is merely setting forth a dual rack and pinion window lift mechanism. It is suggested the applicant amend the specification to include the unitary construction of the cross bar. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Fenelon '394.

Fenelon '394 discloses a bracket for a window lift mechanism, comprising a crossbar and transmission housing 308 formed as a single unit, said crossbar and transmission housing including a motor mounting structure 309, a passage 336 for receiving a drive shaft, a gear cavity (not numbered, but shown in figure 8 surrounding the gear 322) and a slave gear hub portion 325 configured to have a gear rotatably mounted thereon all formed as a unitary piece.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenelon '394 in view of Spaziani et al. Fenelon '394 discloses a bracket for a window lift mechanism, comprising: a crossbar and transmission housing 308 formed as a single unit, said crossbar and transmission housing including a motor mounting

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structure 309, a passage 336 for receiving a drive shaft 330, a gear cavity (not numbered but shown in figure 8 surrounding the gear 322), and a slave gear hub portion 325 configured to have a gear rotatably mounted thereon all formed as a unitary piece, a hub gear portion 322 disposed in the gear cavity, a pair of window mounting bracket features 312. Fenelon '394 is silent concerning at least one rack guide feature formed as a unitary piece with the housing.

However, Spaziani et al. discloses a housing (not numbered, but shown in figure 12) having rack guide features (not numbered, but comprising the portions of the arms 1216 and 1218 which extend into the grooves 1220 and 1222, respectively) including each including an aperture (not numbered, but comprising the opening defined between the rack guide features and the portion of the housing disposed vertically below the rack guide features as shown in figure 12) surrounding at least a portion thereof to facilitate forming of the rack guide structure formed as a unitary piece with the remainder of the housing.

It would have been obvious to one of ordinary skill in the art to provide Fenelon '394 with rack guide features, as taught by Spaziani et al., to reduce the cost of manufacturing the bracket.

Response to Arguments

Applicant's arguments filed August 22, 2006 have been fully considered but they are not persuasive.

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With respect to the applicant's comments concerning Fenelon '394, the examiner respectfully disagrees. The claims require that the slave gear hub portion only be capable of having a gear rotatably mounted thereon. Not only is the slave gear hub portion 325 of Fenelon '394 capable of having a gear rotatably mounted thereon, the slave gear hub portion has a gear 324 rotatably mounted thereon since the shaft 326 mounts the gear 324 to the slave gear hub portion 325. It should be noted that the claim limitations related to how the claimed apparatus is made have been treated as product-by-process limitations. Therefore, the claims have been properly rejected, as set forth above, since Fenelon '394, as modified above, discloses the claimed apparatus.

With respect to the applicant's comments concerning Spaziani et al., the examiner respectfully disagrees. Spaziani et al., in figure 12, discloses guide features comprising the tips of the arms 1216 and 1218 which extend into grooves 1220 and 1222, respectively. An aperture is formed between the tips of the arms and the bottom of the U-shaped channel as shown in figure 12. Each of the apertures extends along the length of each of the tips of the arms and, accordingly, surrounds at least a portion of each of the tips.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, reading "Gregory J. Strimbu". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
November 6, 2006